

P.C. RESOLUTION NO. 04-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT TO ALLOW LIMITED AUTOMOBILE SALES IN CONJUNCTION WITH AUTOMOBILE REPAIR AT 600 PACIFIC COAST HIGHWAY LEGALLY DESCRIBED AS A PORTION OF LOT 7, BLOCK 85 SECOND ADDITION TO HERMOSA BEACH.

The Planning Commission of the City of Hermosa Beach does hereby resolve and order as follows:

Section 1. An application was filed by Lena Manquel seeking approval of a Conditional Use Permit Amendment to allow automobiles sales in conjunction with an existing automobile repair business at 600 Pacific Coast Highway pursuant to the requirements of Section 17.40.020 of Zoning Ordinance;

Section 2. The Planning Commission conducted a duly noticed public hearing to consider the application for the Conditional Use Permit Amendment on September 21, 2004, at which testimony and evidence, both written and oral, was presented to and considered by the Planning Commission. Based on the testimony and evidence received the Planning Commission makes the following factual findings:

1. The applicant is proposing to sell previously owned automobiles in a limited area at the subject location, which requires a Conditional Use Permit pursuant to Chapter 17.26 of the Zoning Ordinance.
2. The subject property is located on the northeast corner of Pacific Coast Highway and 6th Street, with the automobile repair business located with access from 6th Street only, behind the retail building which fronts on P.C.H.
3. The existing site, building and parking areas currently used for auto repair will not be significantly altered, however, interior service bays used for auto repair are proposed to become a showroom for auto sales purposes, thereby reducing the available area for automobile repair.
4. The subject property is zoned C-3, and the existing automobile repair business shares the site with a retail and office building.

Section 3. Based on the foregoing factual findings the Planning Commission makes the following findings pertaining to the application for a Conditional Use Permit:

1. The general criteria of Hermosa Beach Municipal Code Section 17.40.020 for granting or conditionally granting a Conditional Use Permit in the C-3 zone have been considered. In making this finding, the Planning Commission has determined that:
 - a. The proximity of the business to existing residential uses to the east will not result in negative effects with incorporation of the conditions below.
 - b. The amount of existing off-street parking facilities on the subject property is adequate for the proposed use.
 - c. The use proposed is compatible with others in the area.
 - d. Building and driveway orientation is appropriate to minimize noise and traffic impacts on nearby residential areas with incorporation of the conditions below.
 - e. The business operations will not result in adverse noise, odor, dust or vibration environmental impacts.
 - f. The proposed use will not result in an adverse impact on the City's infrastructure and/or services.
 - g. The proposed business will not be materially detrimental to property or improvements in the vicinity and zone.
 - h. The proposed business will be consistent with the General Plan and Zone Code because the C-3 zone permits motor vehicle sales uses.
 - i. The C-3 zone, in which the proposed project is located, is intended to provide opportunities for the full range of office, retail and service businesses deemed suitable for the City and appropriate for Pacific Coast Highway pursuant to Section 17.26.020 of the Zone Code.
2. This project is Categorically Exempt pursuant to 15301, Class 1 of the California Environmental Quality Act Guidelines alterations to existing facilities.

Section 4. Based on the foregoing, the Planning Commission hereby approves the subject Conditional Use Permit subject to the following **Conditions of Approval**:

- 1. The development and continued use of the property shall be in conformance with submitted plans as reviewed by the Planning Commission at their meeting of September 21, 2004.**
- 2. The parking areas shall be striped as per plans reviewed and approved by the Community Development Department, and signed for customer parking, with existing pavement identification for "sales" removed.**
- 3. A "right turn only" sign shall be posted at the 6th Street driveway exit.**
- 4. All vehicle service shall be conducted inside the building. Outdoor work on vehicles is prohibited, with the exception of the initial diagnoses on vehicles.**
- 5. Display of vehicles for sale shall not reduce or otherwise affect access to the customer parking identified on the plans, and shall be limited to the designated**

area within the vehicle “showroom,” located within the block building on the easterly portion of the site adjacent to 6th Street.

6. Use of customer/employee designated parking spaces for displaying or storing of vehicles for sale shall be prohibited.
7. Public right-of-way shall not be used for the parking or storing of vehicles that are intended for sale.
8. Storage of trucks, tractors, trailers and RV’s in the parking and vehicle display areas or any other location on the premises shall be prohibited.
9. Parking or stopping on the public rights-of-way for the delivery of vehicles to the subject property shall be prohibited.
10. The operating hours of the business shall be limited to between 8:00 A.M. and 9:00 P.M. Monday through Saturday and 10:00 A.M. and 9:00 P.M. Sunday.
11. There shall be no outside bells, buzzers, public announcement system, or similar apparatus. Outside speakers audible beyond the property lines shall be prohibited.
12. No outdoor storage of derelict vehicles, auto parts, or other materials. All parking areas shall be maintained free and clear of unregistered or derelict vehicles, parts or other materials at all times.
13. Any new signs for the limited auto sales portion of the business will require the submittal and approval of a comprehensive sign program for all the buildings on the property.
14. Noise emanating from the property shall be within the limitations prescribed by the City's noise ordinance, Chapter 8.24 of the Hermosa Beach Municipal Code, and shall not create a nuisance to surrounding residential properties and/or commercial establishments. Noise emanating from the property shall be monitored to verify compliance with the noise ordinance in response to any complaints.
15. All exterior lights shall be located and oriented in a manner to insure that neighboring residential properties and public right-of-way shall not be adversely affected.
16. The exterior of all the premises shall be maintained in a neat and clean manner, and maintained free of graffiti at all times.
17. The landscaped planter along 6th Street shall be planted with appropriate shrubs and accent plants to the satisfaction of the Community Development Director.

1 **18. The applicant is responsible for all off-site right-of-way construction**
2 **required by the Public Works Department.**

3 **19. The project shall comply with the requirements of the Fire Department.**

4 **20. Final building plans/construction drawings including site, elevation, floor**
5 **plan, sections, details, signage, landscaping and irrigation, submitted for**
6 **building permit issuance shall be reviewed for consistency with the plans**
7 **approved by the Planning Commission and the conditions of this resolution,**
8 **and approved by the Community Development Director prior to the issuance**
9 **of any Building Permit.**

10 **21. The project and operation of the business shall comply with all applicable**
11 **requirements of the Municipal Code.**

12 **22. The Conditional Use Permit shall become null and void if not executed within**
13 **two years of the date of the approval of this Resolution.**

14 Section 6. This grant shall not be effective for any purposes until the permittee and
15 the owners of the property involved have filed a the office of the Planning Division of the
16 Community Development Department their affidavits stating that they are aware of, and
17 agree to accept, all of the conditions of this grant.

18 The Conditional Use Permit shall be recorded, and proof of recordation shall be submitted to
19 the Community Development Department prior to the issuance of a building permit.

20 Each of the above conditions is separately enforced, and if one of the conditions of approval
21 is found to be invalid by a court of law, all the other conditions shall remain valid and
22 enforceable.

23 Permittee shall defend, indemnify and hold harmless the City, it agents, officers, and
24 employees from any claim, action, or proceeding against the City or its agents, officers, or
25 employee to attack, set aside, void or annul this permit approval, which action is brought
26 within the applicable time period of the State Government Code. The City shall promptly
27 notify the permittee of any claim, action, or proceeding and the City shall cooperate fully in
28 the defense. If the City fails to promptly notify the permittee of any claim, action or
29 proceeding, or if the City fails to cooperate fully in the defense, the permittee shall no
 thereafter be responsible to defend, indemnify, or hold harmless the City.

 The permittee shall reimburse the City for any court and attorney's fees which the City may
 be required to pay as a result of any claim or action brought against the City because of this
 grant. Although the permittee is the real party in interest in an action, the City may, at its
 sole discretion, participate at its own expense in the defense of the action, but such
 participation shall not relieve the permittee of any obligation under this condition.

1 The subject property shall be developed, maintained and operated in full compliance with the
2 conditions of this grant and any law, statute, ordinance or other regulation applicable to any
3 development or activity on the subject property. Failure of the permittee to cease any
4 development or activity not in full compliance shall be a violation of these conditions.

5 The Planning Commission may review this Conditional Use Permit and may amend the
6 subject conditions or impose any new conditions if deemed necessary to mitigate detrimental
7 effects on the neighborhood resulting from the subject use.

8 Pursuant to the Code of Civil Procedure Section 1094.6, any legal challenge to the decision
9 of the Planning Commission, after a formal appeal to the City Council, must be made within
10 90 days after the final decision by the City Council.

11 VOTE: AYES:
12 NOES:
13 ABSTAIN:
14 ABSENT:

15 CERTIFICATION

16 I hereby certify the foregoing Resolution P.C. No. 04- is a true and complete record of the
17 action taken by the Planning Commission of the City of Hermosa Beach, California at their
18 regular meeting of September 21, 2004.

19 _____
20 Sam Perrotti, Chairman

21 _____
22 Sol Blumenfeld, Secretary

23 September 21, 2004

24 Date

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